

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN SCATCHELL,)	
)	
Plaintiff,)	Case No. 18-cv-3989
)	
v.)	Honorable John F. Kness
)	
VILLAGE OF MELROSE PARK, RONALD M.)	Honorable Jeffrey Cummings
SERPICO, SAM C. PITASSI, MICHAEL)	
CASTELLAN, and STEVE ROGOWSKI,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO EXTEND THE DISCOVERY CUTOFF DATE**

Plaintiff's Motion to extend the discovery cutoff generally, and for the length of time requested (until September 30, 2020), should be denied because it is unnecessary and it would needlessly prolong the litigation. In particular, Defendants state:

1. This is an action brought by John J. Scatchell (also called "Scatchell Sr." or "Senior") in June 2018 relating to his employment with the Village of Melrose Park. On June 11, 2020 this Court set August 14, 2020 as the fact discovery cutoff. [Dkt No. 62]

2. On July 1, 2020, the Parties submitted a Joint Status Report [Dkt No. 66], where they identified any remaining discovery. The discovery identified by Plaintiff was "the depositions of two current VMP PD officers, a private individual, and the 30(b)(6) deposition of the Village..." and "Plaintiff may be tendering additional Rule 33, 34 and 36 Requests before the close of fact discovery."

3. Plaintiff took the depositions of the two current VMP PD officers on August 3 and August 4, 2020. As to the "private individual," his deposition had been initially scheduled for March 4, 2020, but was cancelled and was never rescheduled. Because that deposition has

been “pending” for more than five months, it should not be allowed as an excuse to extend the discovery cutoff date.

4. Plaintiff issued a Second Amended 30(b)(6) Notice on July 11, 2020, containing ten topics. Defendants objected to Topics 2 & 3 and the issues have been fully briefed [Dkt Nos. 69, 72 & 73] and are awaiting the Court’s decision. If the Court denies the Motion to Quash the 30(b)(6) Notice regarding those two topics and allows deposition(s) to proceed on them, that should not compel a general discovery extension; any extension should be limited to those two topics.

5. As to the remaining eight topics in Plaintiff’s Second Amended 30(b)(6) Notice, the Village presented two witnesses and seven of the eight topics were completed. There was a glitch on one topic (Topic 10) and Defendants agree that a fourteen-day extension of discovery is appropriate, but any discovery extension should be limited to the completion of that topic.

6. As to the “additional Rule 33, 34 and 36 Requests” Plaintiff anticipated, the only one outstanding is a Rule 34 Request that Plaintiff issued to the Village on August 12, 2020, two days before the discovery cutoff. Here too, while the Village will respond to the August 12, 2020 Requests, Plaintiff should not be allowed to manipulate the discovery cutoff simply by serving the Requests two days before the discovery cutoff.

7. The bottom line here is that despite taking multiple depositions, and despite the production of tens of thousands of pages of documents, the facts simply do not support Plaintiff’s claims and this effort to extend discovery is nothing more than an attempt to delay summary judgment, and that should not be permitted.

8. Counsel for the Individual Defendants agree with and join this Response.

WHEREFORE, Defendants respectfully request that Plaintiff’s Motion Extend the

Discovery Cutoff be denied, except for 30(b)(6) Topic 10, and that the Court grant such further and additional relief as the Court deems just and proper.

Dated: August 18, 2020

VILLAGE OF MELROSE PARK

By: /s Jeffrey S. Fowler
One of Its Attorneys

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Certificate of Service

I, the undersigned attorney, hereby certify that a copy of the foregoing Response was served upon counsel for the Plaintiff on this 18th day of August, 2020, through the functions of the Court's e-filing system, to:

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